

10-06 04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Applicant: Tanner et al.

Atty. Docket No.: RPS6097-US

Serial No.: 10/016,352

Examiner: Joseph S. Del Sole

Filing Date: November 2, 2001

Art Unit: 1722

Entitled: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

Assistant Commissioner for Patents
Box – PETITIONS (NO FEE)
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10(A)

Date of Deposit: 10/15/04

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Jennifer Warner

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR §1.181

Dear Sir:

This communication is in response to a Notice of Abandonment mailed on September 30, 2004. A copy of the Notice of Abandonment is attached hereto. The reason for abandonment was allegedly Applicant's failure to timely pay the issue fee due August 17, 2004. Applicant respectfully submits that the issue fee was filed via express mail on August 16, 2004 as evidenced by the attached Statement of Jennifer Warner, I.P. Administrator and the accompanying documents in support.

Applicants' respectfully request the Petitions Branch to withdraw the holding of abandonment, accept the enclosed issue fee transmittal form and allow this patent to proceed to grant.

Respectfully submitted,

Date: Oct 5, 2004

By: Donald O. Nickey
Donald O. Nickey, Reg. No. 29,092
Attorney for Applicants
Cardinal Health, Inc.
7000 Cardinal Place
Dublin, Ohio 43017
Telephone: (614) 757-5542
Facsimile: (614) 757-2243



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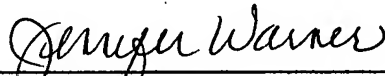
Entitled: APPARATUS AND METHOD FOR MANUFACTURING ENCAPSULATED PRODUCTS

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Jennifer Warner

**STATEMENT IN SUPPORT OF PETITION TO
WITHDRAW HOLDING OF ABANDONMENT**

Declaration of Jennifer Warner

I, Jennifer Warner, make the following statement regarding the above-referenced U.S. patent application.

1. I am employed as the Intellectual Property Administrator for Cardinal Health, Inc. and am responsible for filing documents with the U.S. Patent and Trademark Office.
2. A Notice of Abandonment, mailed September 30, 2004 was received in this office and, immediately upon receipt, the file and the Notice of Abandonment was given to Donald O. Nickey. From an inspection of the file, it was noted that the Issue Fee Transmittal form was sent via express mail on August 16, 2004.
3. A copy of the Issue Fee Transmittal form, in duplicate, and a self-addressed, stamped post card were prepared on August 16, 2004 and the express mail envelope was deposited with the U.S. Postal Service in the box marked EXPRESS MAIL.
4. A copy of the postcard and express mail receipt document that accompanied the Issue Fee Transmittal form are attached hereto.

4. A copy of the tracking notice from the U.S. Postal Service indicating no record exists of that item is attached.
5. I further declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Jennifer Warner

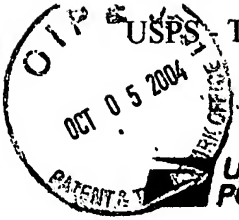
Jennifer Warner,
Intellectual Property Administrator
Cardinal Health, Inc.

State of Ohio,
County of Franklin, ss:

Sworn to before me and subscribed in my presence this 5th day of October, 2004.

Donald O. Nickey
Notary Public

DONALD O. NICKEY, Attorney-At-Law
Notary Public - State of Ohio
My commission has no expiration date
Sec. 147.04 R.C.



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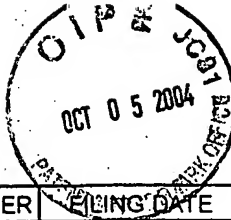


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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/016,352

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

cel



Serial No. 101016352 Filing Date: 11/21/01 Atty. Docket No.: RPS6097US

Applicant: Tanner PFAI

Title: APPARATUS AND METHOD FOR MANUFACTURING
EMULSIFIED PRODUCTS

The PTO stamp hereon acknowledges receipt of the indicated documents.

☐ Patent Application with:

___ pages of claims

___ pages of drawings - formal/informal

___ Fee Transmittal form

___ Utility Application Transmittal form

☐ Inventor Declaration (includes POA)

☐ Separate Power of Attorney

☐ IDS with 1449

___ copies of cited references enclosed

___ Fee Transmittal form

☒ Issue fee transmittal forms

☐ Request for Extension of Time

☒ Certificate of Mailing date of 8/16/04 via

___ First class mail - postage prepaid

☒ Express Mail No. EV404972413US

☐ Other: _____

☐ Response to:

___ Notice to Filing Missing Parts

___ Office Action

___ Fee Transmittal

___ Extension of Time

☐ PCT related forms

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DUBLIN OH 43017-1092

Attn: Jennifer Warner
RPS6097-US

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